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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,617	06/27/2003	Jeremy Michael Green	9D-HL-20031	9877

7590

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EXAMINER

RINEHART, KENNETH

ART UNIT

PAPER NUMBER

3749

DATE MAILED: 08/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/608,617

Applicant(s)

GREEN ET AL.

Examiner

Kenneth B. Rinehart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2005.
2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-26 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 12-26 is/are allowed.
6) ☒ Claim(s) 1, 4 and 5 is/are rejected.
7) ☒ Claim(s) 2, 3 and 6-10 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 29 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Response to Arguments***

Applicant's arguments filed 7/5/05 have been fully considered but they are not persuasive. The applicant argues that neither McMillan nor Bria et al considered alone or in combination describe a clothes dryer that includes a variable heat source. Claims in a pending application should be given their broadest reasonable interpretation. In this instance the examiner does not believe that it is unreasonable for McMillan to read on the variable heat source. The applicant next argues that no motivation is shown in the references themselves for combining references regarding the two speed motor. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. In this case, it is well known in the art that a variable speed motor will eliminate the need for a damper and thus reduce manufacturing and maintenance costs.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1, 4, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over McMillan (4231166) in view of Bria et al (6681497). McMillan discloses rotating the drum (fig.

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1), and varying only one of the variable heat source and the ..., while maintaining the other one in a fixed state (col. 6, lines 35-45), a drum comprising a cavity configured to hold articles to be dried (18, fig. 1), a first motor drivingly coupled to said drum to rotate said drum (58, fig. 1), a variable heat source in flow communication with said cavity (col. 6, lines 12-30), and a ... speed motor (58, fig. 1) drivingly coupled to a blower (fig. 1) positioned to deliver air heated by said heat source to said cavity (fig. 1), a controller operatively coupled to said ... motor and said variable heat source (fig. 3, col. 6, 58-69) and at least one temperature sensor operatively coupled to said controller and positioned to sense a temperature associated with the dryer and generate a temperature signal representative of the sensed temperature (57, 51, fig. 1), said controller operable to receive the temperature signal and control one of said ... motor and said variable heat source based on the temperature signal (col. 6, lines 45-58). McMillan discloses applicant's invention substantially as claimed with the exception of wherein varying the variable speed blower comprises varying the variable speed blower between a first speed and a second speed greater than the first speed and in the same direction as the first speed, variable speed blower, ... variable between a first speed and a second speed greater than the first speed and in the same direction as the first speed. Bria teaches wherein varying the variable speed blower comprises varying the variable speed blower between a first speed and a second speed greater than the first speed and in the same direction as the first speed, variable speed blower, ... variable between a first speed and a second speed greater than the first speed and in the same direction as the first speed (col. 10, lines 1-9) for the purpose of eliminating the necessity for a damper. It would have been obvious to one of ordinary skill in the art to modify McMillan by including wherein varying the variable speed blower comprises varying the variable speed blower between

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a first speed and a second speed greater than the first speed and in the same direction as the first speed, variable speed blower, (col. 10, lines 1-9) as taught by Bria for the purpose of eliminating the necessity for a damper so that fewer parts are required and thus maintenance and manufacturing costs are reduced.

Allowable Subject Matter

Claim 12-26 is allowed.

Claims 2, 3, 6-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth B. Rinehart whose telephone number is 571-272-4881. The examiner can normally be reached on 7:20 -4:20.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira Lazarus can be reached on 571-272-4881. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

kbr


KENNETH RINEHART
PRIMARY EXAMINER